

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRUSTEES OF THE SUBURBAN TEAMSTERS))	
OF NORTHERN ILLINOIS PENSION FUND))	Honorable Judge Gottschall
AND WELFARE FUNDS,))	
)	Magistrate Judge Nolan
Plaintiffs,))	
v.))	Case No.: 08 C 3708
)	
DOTSON TRUCKING, INC.))	
an Illinois corporation,))	
)	
Defendant.))	

DEFENDANT’S ANSWER TO PLAINTIFFS’ COMPLAINT

The Defendant, DOTSON TRUCKING, INC., an Illinois corporation, by its attorneys, Allocco, Miller & Cahill, P.C., and answers Plaintiffs’ Complaint as follows:

COUNT I

JURISDICTION AND VENUE

1. (a) Jurisdiction of this cause is based upon Section 502 of the Employee Retirement Income Security Act of 1974, 29 U.S.C. Section 1132 (“ERISA”) and 29 U.S.C. 1145 as amended.

(b) Venue is founded pursuant to 29 U.S.C. Section 1132(e)(2) in this district, where the Fund as described in Paragraph 2, is administered.

ANSWER: Defendant admits the allegations in Paragraphs 1(a) through (b).

PARTIES

2. (a) Plaintiffs are the TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS (“Funds”) and have standing to sue pursuant to 29 U.S.C. 1132(a)(3).

(b) The SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS have been established pursuant to collective bargaining agreement previously entered into between the International Brotherhood of Teamsters and its affiliated locals (“the Union”) and Employers;

(c) The Funds are maintained and administered in accordance with and pursuant to the provisions of the National Labor Relations Act, as amended, and other applicable state and federal laws, and also pursuant to the terms and provisions of the Agreements and Declarations of Trust which establish the Funds.

ANSWER: Defendant admits the allegations in Paragraphs 2(a) through (c).

3. (a) DOTSON TRUCKING, INC., an Illinois corporation, employs persons represented by the Union and is bound to make contributions for weeks worked by all employees and upon subcontractors who perform work which would otherwise be performed by employees.

ANSWER: Defendant admits it is an Illinois corporation and denies all remaining allegations in Paragraph 3(a).

(b) DOTSON TRUCKING, INC., is an Illinois corporation, with its principal place of business at Aurora, Illinois.

ANSWER: Defendant admits the allegations in Paragraph 3(b).

(c) DOTSON TRUCKING, INC., an Illinois corporation, is an employer engaged in an industry affecting commerce.

ANSWER: Defendant admits the allegations in Paragraph 3(c).

4. DOTSON TRUCKING, INC., an Illinois corporation, entered into Area Wide Material Hauling Agreement with Teamsters Local 673 which require contributions to the Funds pursuant to 29 U.S.C. 1145 (Exhibit "A").

ANSWER: Defendant admits the allegations in Paragraph 4.

5. Pursuant to the terms of the contract and the trust agreements establishing the Funds, Employer us required to make its books and records available to the Funds for audit.

ANSWER: Defendant admits the allegations in Paragraph 5.

6. The Funds have attempted to obtain the books and records of the Defendant for an audit for the period of October, 2007 though April, 2008. The Funds' auditor has written and repeatedly telephoned the company and received no response

ANSWER: Defendant denies the allegations in Paragraph 6.

7. Without an order directing an audit be performed and delinquencies paid thereunder, Plaintiffs are unable to fulfill their fiduciary duties under the Plan.

ANSWER: Defendant denies the allegations in Paragraph 7.

8. The amount presently due cannot be ascertained without an audit.

ANSWER: Defendant denies the allegations in Paragraph 8.

DOTSON TRUCKING, INC.

/s/ Todd A. Miller

One of Defendant's Attorneys

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CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that he electronically filed the attached, Answer to Plaintiffs' Complaint, with the Clerk of the Court using the CM/ECF system on or before the hour of 5:00 p.m. this 19th day of August, 2008, which will send notice of such filings to the following:

John J. Toomey
Arnold and Kadjan
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/s/ Todd A. Miller
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